

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference MEMMPA140PCT		FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/002744	International filing date (day/month/year) 17.03.2004	Priority date (day/month/year) 26.04.2003	
International Patent Classification (IPC) or national classification and IPC			
Applicant MEMMINGER-IRO GMBH			

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>8</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>3</u> sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>	
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input checked="" type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input checked="" type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application</p>	

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I

Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-18 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1-16 _____ received by this Authority on 20.01.2005 with letter of 19.01.2005
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/8-8/8 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. II Priority

1. ☒ This report has been established as if no priority had been claimed due to the failure to furnish within the prescribed time limit the requested:
- ☒ copy of the earlier application whose priority has been claimed (Rule 66.7(a)).
- ☐ translation of the earlier application whose priority has been claimed (Rule 66.7(b)).
2. ☐ This report has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rule 64.1). Thus for the purposes of this report, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	1-16	YES
	Claims		NO
Inventive step (IS)	Claims	1-16	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-16	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
<p>1. The closest prior art is described in DE-A-2 148 653, hereinafter referred to as D1, and acknowledged accordingly in the introductory part of the description in the application.</p> <p>Both D1 and DE-A-19 613 385, hereinafter referred to as D2, already describe a thread feeding device (D1: 1; D2: figures 4 and 5) with a base body (D1: 5; D2: 7) that has a thread feeding apparatus (D1: 2; D2: 2) and at least one electrical device (D1: 4; D2: 3) with a fixing clamp (D1: 7, 7a, 8; D2: 13) for fixing the thread feeding device (D1: 7; D2: 2, 3, 7) to a textile machine (D1: S; D2 see column 1; lines 3-5), having at least one contact pin (D1: 10a; D2: 6) that is arranged on the fixing clamp (D1: 7, 7a, 8; D2: 13) for establishing contact with a conductor (D1: 13; D2: 5), and having a guide element (D1: 9; D2: 11, 12) arranged (see D1: figure 3; D2: figures 4 and 5) adjacently to the contact pin (D1: 10a; D2: 6), the guide element (D1: 9; D2: 11, 12) and the contact</p>			

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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pin (D1: 10a; D2: 6) being arranged movably with respect to each other (D1: page 8, lines 11-15; D2: column 6, lines 17-26).

The thread feeding device according to independent claim 1 differs therefrom in that the guide element is also arranged movably with respect to the base body.

Therefore, the subject matter of claim 1 appears to be novel and to meet the requirements of PCT Article 33(2).

2. None of the cited documents describes the use of guide elements that are movably attached to the base body in order to produce a device that can be connected correctly, in mechanical and electrical terms, to a textile machine in a simple and reliable manner. In the absence of any suggestion thereof in the known prior art, the combination of the above-mentioned features in a thread feeding device according to D1 or D2 does not appear to be obvious.

Therefore, the subject matter of independent claim 1 is also regarded as meeting the requirements of PCT Article 33(3).

3. The embodiments of the thread feeding device according to the dependent claims 2 to 16 contain all of the features of a thread

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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feeding device according to claim 1.

Therefore, the subject matter of dependent claims 2 to 16 is likewise regarded as meeting the requirements of PCT Article 33(2) and (3).

4. The subject matter of claims 1 to 16 appears to be industrially applicable and therefore to meet the requirements of PCT Article 33(4).

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Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

1. The description does not meet the requirements of PCT Rule 5.1(a), because the description does not cite D2 as relevant prior art.

2. Independent claim 1 does not meet the requirements of PCT Rule 6.3(b), because the claim is not drafted in the requisite two-part form (see Box V.1) so as to delimit it over the closest prior art (D1).

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

1. Dependent claims 6, 8 and 12 relate to a mouth or a cable, the relation of which to the invention according to claim 1 is not clear. Therefore, claims 6, 8 and 12 do not appear to meet the requirements of PCT Article 6.